

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

KATRINA REYNOLDS,

Plaintiff,

v.

Case No. 2:11-cv-411
HON. R. ALLAN EDGAR

MARQUETTE GENERAL HOSPITAL,
ET AL.,

Defendants.

MEMORANDUM AND ORDER

Plaintiff Katrina Reynolds brings this federal civil rights action under 42 U.S.C. § 1981. The Court liberally construes her *pro se* complaint as also pleading claims under the Religious Freedom Restoration Act, 42 U.S.C. §§ 2000bb, *et seq.*, and the Religious Land Use and Institutionalized Persons Act, 42 U.S.C. §§ 2000cc, *et seq.*

The Court granted the plaintiff's application for leave to proceed *in forma pauperis* pursuant to 28 U.S.C. § 1915(a)(1). Although she has been allowed to file the complaint *in forma pauperis*, the Court is authorized to conduct an initial screening of the complaint to determine whether it is frivolous or fails to state a claim on which relief may be granted. 28 U.S.C. § 1915(e)(2)(B)(i) and (ii) provide that the Court shall dismiss the case at any time if the Court determines that the action is frivolous or fails to state a claim on which relief may be granted.

The complaint was referred to Magistrate Judge Timothy P. Greeley for initial review and screening. On November 14, 2011, Magistrate Judge Greeley submitted his report and recommendation. [Court Doc. No. 5]. The Magistrate Judge recommends that the plaintiff's entire complaint be dismissed *sua sponte* pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii) on the ground that it

fails to state a claim on which relief may be granted.

Plaintiff Reynolds has not timely filed any objections to the report and recommendation. After reviewing the record, the Court **ACCEPTS and ADOPTS** the report and recommendation pursuant to 28 U.S.C. § 636(b)(1), Fed. R. Civ. P. 72(b), and W.D. Mich. LCivR 72.3(b). The plaintiff's entire complaint shall be **DISMISSED WITH PREJUDICE** as to all claims against all defendants. The complaint must be dismissed under 28 U.S.C. § 1915(e)(2)(B)(ii) for failing to state a claim on which relief may be granted.

For the reasons expressed in the report and recommendation, the Court finds that any appeal by plaintiff Reynolds from the decision and judgment in this case would be frivolous and not taken in good faith. The Court shall certify pursuant to 28 U.S.C. § 1915(a)(3) and Fed. R. App. P. 24(a)(4)(B) that any appeal by plaintiff Reynolds from the judgment dismissing her complaint would not be taken in good faith. Consequently, plaintiff Reynolds is not authorized by this Court to proceed *in forma pauperis* on any appeal.

A separate judgment will be entered.

SO ORDERED

Dated: December 6, 2011.

/s/ R. Allan Edgar
R. ALLAN EDGAR
UNITED STATES DISTRICT JUDGE